

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

\_\_\_\_\_  
UNITED STATES OF AMERICA

-v.-

14 cr. 0565 (JHS)

\_\_\_\_\_  
ALEXANDER BURKE

**FILED**

AUG - 8 2016

LUCY V. CHIN, Interim Clerk  
By \_\_\_\_\_ Dep. Clerk

**AMENDMENT TO STIPULATED PROTECTIVE ORDER**

This matter having come before the Court upon the application of third-party Siemens Corporation ("Siemens"), pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, for an Amendment to the Stipulated Protective Order concerning materials that Siemens has designated Confidential—including without limitation the image of the hard drive of the computer used by Defendant Alexander Burke ("Burke") during his employment with Siemens, which contains proprietary and attorney-client privileged information—which Siemens will produce or make available to Burke;

AND NOW, the Court, having the consent of all parties, and for good cause shown, it is on this 8 day of ~~March~~ <sup>August</sup> 2016, ORDERED and DECREED that the Stipulated Protective order entered on April 15, 2015 (the "Stipulated Protective Order") is amended as follows:

1. The images of the hard drive of the Siemens computer used by Burke shall be reviewed only in the office of Burke's counsel and shall not be copied or removed from the office of Burke's counsel for any reason (with only the possible exception of experts as outlined in paragraph 2 below). The Siemens computer files and drives shall be treated as Confidential Material and shall not be disclosed to anyone other than Burke, Burke's counsel and any agent working at the

direction of defense counsel in this matter, as set forth in paragraphs 3, 5 and 6 of the Stipulated Protective Order.

2. To the extent that Burke engages any experts, and those experts wish to review a copy of the image of the Siemens computer in their offices, Burke's counsel shall disclose those experts' identities to Siemens in advance, and permit Siemens ten (10) days to object. Siemens will not unreasonably withhold its agreement to allow an expert to review the image in their own office, barring any objection to the expert identified, in which case the image shall not be copied or removed from the office of Burke's counsel and the dispute shall be resolved by the Court. In addition to the foregoing, all experts will at all times be bound by the Stipulated Protective Order, and in particular paragraph 5.
3. The remaining confidential records to be produced by Siemens, including Siemens' personnel file for Burke (the "Siemens Confidential Records") shall be subject to the Stipulated Protective Order and treated as Confidential Material thereunder in all respects.
4. Within sixty (60) days of the conclusion of these proceedings, including all appeals, Burke's counsel will destroy or return all copies of the Siemens Confidential Materials, including without limitation all copies of the image of the Siemens computer as referenced above, and certify that they have done so.
5. The Siemens Confidential Materials, including without limitation all copies of the image of the Siemens computer as referenced above, will be used only in the preparation of the defense in this case and notwithstanding the provisions of

Paragraph 1, the defense shall be permitted to review with prospective witnesses and their counsel, any materials referenced in Paragraph 1;

6. Notwithstanding any other provision, the defense shall be permitted to disclose any materials provided in Paragraph 1 in connection with the filing of the defendants' motions with the Court under seal, or for use at trial subject to Fed. R. Crim. P. 49.1; and
7. If there is a need prior to trial or during trial to disclose the Confidential Records beyond that permitted by this Order, then the defendants will make an application to the Court upon notice to the Government or Siemens, requesting authorization.

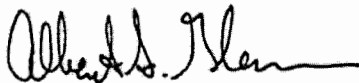
BY THE COURT:

  
JOEL H. SLOMSKY, J.

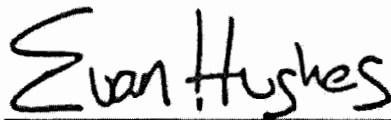
We hereby consent to the form  
and entry of this Order

Zane David Memeger  
UNITED STATES ATTORNEY

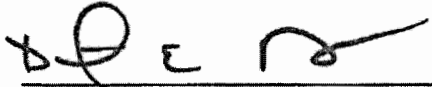
By:



Albert S. Glenn  
Assistant United States Attorney



Evan T.L. Hughes, Esq.  
Counsel for Defendant Alexander Burke

A handwritten signature in black ink, appearing to read 'D E Rhynhart', written over a horizontal line.

Daniel E. Rhynhart, Esq.  
BLANK ROME LLP  
Counsel for Third-Party Siemens Corporation